

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO. 06-438M
)	
Plaintiff,)	
)	
v.)	
)	DETENTION ORDER
PHOUNG THI KIM PHAM,)	
)	
Defendant.)	
_____)	

Offense charged:

Possession with Intent to Distribute Ecstasy; Importation of Ecstasy

Date of Detention Hearing: July 7, 2006

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is charged with a drug offense that carries a maximum penalty in excess of ten years. There is therefore a rebuttable presumption against defendant as to both

dangerousness and flight risk, under 18 U. S. C. § 3142 (e).

(2) Nothing in the record effectively rebuts that presumption.

(3) Defendant is a Canadian citizen. She has no ties to this District. She was born in a refugee camp in Thailand and is of Vietnamese descent. She moved to Canada when she was one year old. She has some family in Vietnam and the rest of her family is in Canada.

(4) The AUSA proffers that the defendant's father is suspected of being involved in criminal activity, including the alteration of the vehicle in which the drugs were found when defendant and her brother attempted to cross the border into the United States.

(5) Defendant was driving the vehicle in which drugs were allegedly found. When interviewed after being stopped at the border, defendant allegedly admitted to knowing about the presence of the drugs in the vehicle, and that she knew how to remove the drugs from the gas tank because she had seen it done before on the same vehicle. The AUSA proffers that this vehicle has crossed the border four times since April 26, 2006. The quantity of drugs that was allegedly found during this stop was 21 pounds of ecstasy.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the

01 Government, the person in charge of the corrections facility in which defendant is
02 confined shall deliver the defendant to a United States Marshal for the purpose of
03 an appearance in connection with a court proceeding; and

- 04 (4) The clerk shall direct copies of this Order to counsel for the United States, to
05 counsel for the defendant, to the United States Marshal, and to the United States
06 Pretrial Services Officer.

07 DATED this 7th day of July, 2006.

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09 Mary Alice Theiler
10 United States Magistrate Judge
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